

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.2.1
Eastern Division**

Kelly Bires

Plaintiff,

v.

Case No.: 1:08-cv-04680

Honorable Blanche M. Manning

Waltom, LLC

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, August 21, 2008:

MINUTE entry before the Honorable Blanche M. Manning: This case was recently transferred to this court from the United States District Court for the Middle District of North Carolina. The case was originally filed in state court, and the defendant removed it on the basis of diversity jurisdiction. Both the notice of removal and the complaint state that the defendant is an Illinois limited liability company with its principal place of business in Illinois. For the purposes of diversity jurisdiction, a limited liability company has the "citizenship of each of its members." *Wise v. Wachovia Securities, LLC*, 450 F.3d 265, 267 (7th Cir. 2006). The court thus needs to know the identity and citizenship of each member of the defendant LLC to determine if diversity jurisdiction is proper. Although the notice of removal fails to establish that diversity jurisdiction is proper, this defect is not necessarily fatal, as "jurisdiction exists in a removal action if the case might have been brought in a federal court to begin with," *Shaw v. Dow Brands, Inc.*, 994 F.3d 364 366 (7th Cir. 1993), and 28 U.S.C. § 1653 permits the court to allow amendment of defective allegations of jurisdiction at any time. See *Wright, Miller & Cooper, Federal Practice and Procedure* § 3733 at 537–38 (2d ed. 1985) ("the petition may be amended only to set out more specifically grounds for removal that have already been stated, albeit imperfectly, in the original petition; new grounds may not be added and missing allegations may not be furnished"). Accordingly, the defendant is granted leave to file an amended notice of removal addressing the jurisdictional issue identified in this order. The amended notice of removal is due by no later than September 12, 2008. Mailed notice by judge's staff.(srb,)

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